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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,670	01/15/2004	Charles A. Butterfield JR.	HES 2000-IP-001080U1D4	5876
28857	7590	12/08/2004	EXAMINER BOMAR, THOMAS S	
CRAIG W. RODDY HALLIBURTON ENERGY SERVICES P.O. BOX 1431 DUNCAN, OK 73536-0440			ART UNIT 3672	
PAPER NUMBER				

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/758,670

Applicant(s)

BUTTERFIELD ET AL.

Examiner

Shane Bomar

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 9-11 is/are allowed.
- 6) ☒ Claim(s) 7, 8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 7, 8, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4,426,162 to Tsuchiya et al.

Regarding claim 7, Tsuchiya et al disclose a sleeve 4 comprising a plurality of sleeve segments 4a and 4b connected to one another, the sleeve having a generally cylindrical outer surface (see Fig. 2). It is noted that while the preamble of the claim recites an apparatus intended for use in limiting rotation of a cementing plug during drillout, the body of the claim recites no structure supporting this intended use. Therefore, the claim has been examined on the structure of the apparatus alone, without regard to its intended use. Furthermore, the claim states that the sleeve is adapted to be inserted in a casing. The sleeve of Tsuchiya et al is of a size and shape that can be adapted to be inserted into a casing.

Regarding claim 8, each segment has first and second edges 9 extending from an upper to a lower end thereof, the segments being secured to each other at these edges (see Fig. 2 and col. 2, line 66 through col. 3, line 5).

Regarding claim 13, the sleeve segments have mating grooves 9b and bosses 9a at the edges thereof (see Fig. 2).

***Claim Rejections - 35 USC § 103***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya et al in view of US patent 6,424,442 to Latiolais et al.

Tsuchiya et al teach the sleeve of claim 7 that is adapted to be inserted into a casing. It is not taught that the sleeve is fixedly secured to the casing.

Latiolais et al teach a sleeve similar to that of Tsuchiya et al. It is further taught that the sleeve is fixedly secured to the casing (see col. 6, lines 37-39). It would have been obvious to one of ordinary skill in the art, having the teachings of Tsuchiya et al and Latiolais et al before him at the time the invention was made, to modify the sleeve taught by Tsuchiya et al to include the capability of being fixedly secured to the casing of Latiolais et al, in order to obtain a sleeve that will remain in place in the casing. One would have been motivated to make such a combination since Latiolais et al have shown it to be notoriously known in the art to fixedly secure sleeves in a casing.

***Allowable Subject Matter***

5. Claims 1-6 and 9-11 are allowed.

***Response to Arguments***

6. Applicant's arguments, see pages 2-3, filed 10/12/04, with respect to claims 1-6 and 9-11 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

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7. Applicant's arguments, see pages 2-3, filed 10/12/04, with respect to the rejection(s) of claim(s) 7, 8, 12, and 13 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Tsuchiya et al.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shane Bomar whose telephone number is 703-305-4849. The examiner can normally be reached on Monday - Thursday from 7:00am to 4:30pm. The examiner can also be reached on alternate Fridays.

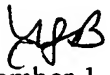
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Bagnell  
Supervisory Patent Examiner  
Art Unit 3672

tsb

  
December 1, 2004